

Article - Health - General

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§20–105.

(a) (1) In this section the following words have the meanings indicated.

(2) “Informal kinship care” means a living arrangement in which a relative of a child, who is not in the care, custody, or guardianship of the local department of social services, provides for the care and custody of the child due to a serious family hardship.

(3) “Relative” means an adult related to the child by blood or marriage within the fifth degree of consanguinity.

(4) “Serious family hardship” means:

- (i) Death of a parent or legal guardian of the child;
- (ii) Serious illness of a parent or legal guardian of the child;
- (iii) Drug addiction of a parent or legal guardian of the child;
- (iv) Incarceration of a parent or legal guardian of the child;
- (v) Abandonment by a parent or legal guardian of the child; or
- (vi) Assignment of a parent or legal guardian to active military duty.

(b) A relative providing informal kinship care for a child may consent to health care on behalf of the child if:

(1) A court has not appointed a guardian for the child or awarded custody of the child to an individual other than the relative providing informal kinship care; and

(2) The relative verifies the informal kinship care relationship through a sworn affidavit that:

- (i) Meets the requirements of this section; and

(ii) Is filed with the Department of Human Services, Social Services Administration.

(c) The affidavit shall include:

- (1) The name and date of birth of the child;
- (2) The name and address of the child's parent or legal guardian;
- (3) The name and address of the relative providing informal kinship care;
- (4) The date the relative assumed informal kinship care;
- (5) The nature of the serious family hardship and why it resulted in informal kinship care; and
- (6) The kinship relation to the child of the relative providing informal kinship care.

(d) The affidavit shall be in the following form:

(1) I, the undersigned, am over eighteen (18) years of age and competent to testify to the facts and matters set forth herein.

(2) _____ (name of child), whose date of birth is _____, is living with me because of the following serious family hardship (check each that is applicable):

- _____ Death of father/mother/legal guardian
- _____ Serious illness of father/mother/legal guardian
- _____ Drug addiction of father/mother/legal guardian
- _____ Incarceration of father/mother/legal guardian
- _____ Abandonment by father/mother/legal guardian
- _____ Assignment of father/mother/legal guardian to active military duty

(3) The name and last known address of the child's parent(s) or legal guardian is:

(4) My kinship relation to the child is _____

(5) My address is:

Street

Apt. No.

City

State

Zip Code

(6) I assumed informal kinship care of this child for 24 hours a day and 7 days a week on _____ (day/month/year).

(7) The name and address of the school that the child attends is:

(8) I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information, and belief.

Signature of affiant

(Day/month/year)

(e) Affidavit forms that comply with subsection (d) of this section shall be made available free of charge at the offices of each county board of education and each local health department.

(f) If a change occurs in the care or in the serious family hardship of the child, the relative providing informal kinship care shall notify the Department of Human Services, Social Services Administration in writing within 30 days after the change occurs.

(g) The relative providing informal kinship care shall file an affidavit annually with the Department of Human Services, Social Services Administration for each year the child continues to live with the relative because of a serious family hardship.

(h) A copy of the affidavit shall be given to the health care provider that treats the child.

(i) The relative providing informal kinship care may apply on behalf of the child for all medical and public assistance entitlements for which the child may be eligible.

(j) An affidavit under this section does not abrogate the right of the parent or guardian of a child to consent to health care on behalf of the child in a future health care decision.

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